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## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

In re Application of: Caplan et al.  
Application No. 09/625,228  
Filed: July 24, 2000  
For: MODULAR RACK FOR COMPACT DISCS

The owner, Sharper Image Corporation of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/873,807, filed on June 4, 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

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For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

  
\_\_\_\_\_  
Signature

9/30/02  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Andrew Parker

\_\_\_\_\_  
Vice President

☒ PTO suggested wording above was ☒ unchanged ☐ changed (if changed, an explanation should be supplied).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Caplan et al.

SC/Serial No.: 09/625,228

Confirm. No.: 6295

Filed: July 24, 2000

Title: MODULAR RACK FOR COMPACT DISCS

PATENT APPLICATION

Art Unit: 3634

Examiner: Khoa H. Tran

Customer No. 23910

**CERTIFICATE OF OWNERSHIP UNDER 37 C.F.R. §3.73(b)**

Commissioner for Patents  
Washington, DC 20231

**OFFICIAL**

Sir:

Sharper Image Corporation, a ☒ corporation ☐ partnership ☐ other (specify), makes this statement to establish ownership of the patent application identified above pursuant to 37 C.F.R. §3.73(b).

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

☐ a copy of an Assignment attached hereto, the original of which has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

☒ the Assignment recorded on October 23, 2000 at reel 011212, frame 0698; and

☒ the Assignment recorded on January 29, 1999 at reel 9739, frame 0634.

The evidentiary documents have been reviewed and Assignee hereby certifies that, to the best of Assignee's knowledge and belief, title to the above-identified patent application is in the Assignee.

If the assignee is owner of less than the entire right title and interest, the ownership interest of the Assignee is identified pursuant to 37 C.F.R. §3.73(c)(2) as follows: N/A

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the Assignee.

**FAX RECEIVED**

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**GROUP 3600**

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SHARPER IMAGE CORPORATION

Date: 9/30/02

By:



Print Name:

Andrew Parker

Title:

Vice President